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P.2.

PATENT

Docket No. 11221/5

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors : WALLACK, et al.  
Serial No. : 09/691,504  
Filed : October 18, 2000  
For : MELANOMA VACCINE AND METHODS OF MAKING  
AND USING SAME  
Group Art Unit : 1632  
Examiner : Anne Marie S. Wehbé

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ASSISTANT COMMISSIONER  
FOR PATENTS  
Washington, DC 20231

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on  
Date 9/26/02  
Signature Athene Lyman  
KENYON & KENYON

SUPPLEMENTAL RESPONSE TO RESTRICTION REQUIREMENT

SIR:

This is in response to the Office Communication dated August 27, 2002, which set a one-month period for response expiring on September 27, 2002.

It is believed that no extension of time is required in connection with this response. However, the Commissioner is hereby authorized to charge any necessary fee, or to credit any overpayment, to Kenyon & Kenyon's Deposit Account No. 11-0600.

The Office Action stated that while the applicant-elected Group II, claims 18-38, and 55-107, with traverse, in the response filed on June 6, 2002 to the Group Restriction requirement under 25 U.S.C. §121, a **Species Restriction** is required under 35 U.S.C. §121 to a specifically named first immunostimulatory molecule for Group II, as listed in claims 18-


38, and 55-107. For continued prosecution in this application, Applicants hereby elect, with traverse, IL-2. Accordingly, Applicants elect claims 18-22, 28-38, 55-63, 70-95, and 102-107, which are generic claims, and claims 23, 64, and 96, which are expressly directed to the use of IL-2.

The Office Action also stated that **Species Restriction** is required under 35 U.S.C. §121 to a specifically named second immunostimulatory molecule for Group II, as listed in claims 18-38, and 55-107. For continued prosecution in this application, Applicants hereby elect, with traverse, IL-2. Accordingly, Applicants elect claims 18-22, 28-38, 55-63, 70-95, and 102-107, which are generic claims, and claims 26, 67, and 99, which are expressly directed to the use of IL-2.

Applicants retain the right to file a divisional application(s) directed to subject matter of the claims of non-elected groups and species.

Respectfully submitted,

Date: 9/26/02

  
Deborah A. Somerville  
Reg. No. 31,995



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PATENT TRADEMARK OFFICE

KENYON & KENYON  
One Broadway  
New York, New York 10004  
212 425-7200